

recovery. This ruling is without prejudice for Defendant to reassert its arguments at trial following the close of Plaintiff's evidence.

In light of this ruling, the parties are hereby ORDERED to submit their jointly-prepared pretrial submissions by Friday, October 28, 2022. See Doc. No. 8. The Court will conduct a pretrial conference in this matter immediately following docket call on Monday, November 7, 2022.

IT IS THEREFORE ORDERED that Defendant's Motion for Summary Judgment, (Doc. No. 11), is DENIED.

TAKE NOTICE that a Pretrial Conference will take place at 9:15 a.m. on Monday, November 7, 2022, immediately following docket call. The parties' pretrial submissions shall be due by October 28, 2022.

IT IS SO ORDERED.

Signed: October 5, 2022

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

